



STATE OF MICHIGAN
**Department of
Human
Services**

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Maura Corrigan, Director

**MICHIGAN DOMESTIC
VIOLENCE PREVENTION
AND TREATMENT BOARD**
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Debi Cain, Executive Director



RICK SNYDER, Governor

Oct. 25, 2011

Sen. Rick Jones, Chair
Senate Judiciary Committee
Rick Jones
P.O. Box 30036
Lansing, MI 48909-7536

Re: SB 545, 547

Dear Sen. Jones:

I am writing on behalf of the Michigan Domestic Violence Prevention and Treatment Board to express the Board's opposition to SB 545 and 547 as drafted. The position presented in this letter is based on the Board's response to substantially similar legislation introduced during the 2005-06 session. At that time, the legislature responded to some of the Board's concerns by adopting substitute bills addressing them. The substitute bills were never enacted, and SB 545 and 547 do not reflect the language they contained responding to the Board's concerns.

Relevant to SB 545 and 547, the Board took the following position regarding the 2005-06 bills (HB 5698'05 and HB 5701'05):

Oppose HB 5698'05 unless amended to:

- Include domestic violence in the program curriculum.
- Remove the provision giving law enforcement officers and prosecutors access to a domestic violence victim's sworn statement requesting an exemption from the education program.
- Eliminate the questionnaire requirement.
- Remove the contempt of court penalty for noncompliance.

Oppose HB 5701 unless amended to:

- Make participation in creating a parenting plan ~~option~~ an option for the parties, rather than a requirement
- Provide that failure to file a parenting plan is not a basis for making a finding against a parent on any of the statutory best interest factors in MCL 722.23.
- Provide for emergency hearings prior to filing a parenting plan to protect the safety of a child or parent who is in immediate danger.

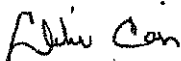
Due to the complexity of these bills and the short notice my office received of today's hearing, the Board's staff has unfortunately not had the time to prepare a detailed explanation for the above concerns, which are all grounded in a desire to ensure that victims of domestic violence may participate in divorce and custody proceedings without fear of coercion, intimidation, or

physical violence. For the same reasons, the Board's staff has not yet been able to prepare a complete description of the substitute amendments that addressed some of the foregoing concerns during the prior legislative session. The Board's staff will prepare such an analysis for submission to committee members after today's hearing.

In the meantime, if you would like to speak to someone on the Board's staff about the above concerns, please contact staff attorney Mary Lovik, at 517-241-7591 or lovikm@michigan.gov. The Board would also appreciate it if you would keep Ms. Lovik apprised of future hearings or workgroups that may be convened to address concerns with these bills.

Thank you for your attention to the Board's concerns.

Sincerely,



Debi Cain, Executive Director
Michigan Domestic Violence Prevention & Treatment Board

CC: Sen. Tonya Schuitmaker
Sen. Tory Rocca
Sen. Steven Bieda
Cris Sullivan
Karyn Ferrick
Tammy Jakus
Mary Lovik